

**MUNICIPAL GOVERNMENT REVISIONS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jacob L. Anderegg**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to forms of municipal government.

**Highlighted Provisions:**

This bill:

▶ amends provisions related to a municipal six-member or five-member council vote to remove or reinstate a power, duty, or function of the mayor.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**10-3b-303**, as last amended by Laws of Utah 2011, Chapter 209

**10-3b-403**, as last amended by Laws of Utah 2011, Chapter 209

---

---

*Be it enacted by the Legislature of the state of Utah:*

Section 1. Section **10-3b-303** is amended to read:

**10-3b-303. Council in six-member council form of government.**

(1) The council in a municipality operating under a six-member council form of government:



28 (a) exercises any executive or administrative power and performs or supervises the  
29 performance of any executive or administrative duty or function that:  
30 (i) has not been given to the mayor under Section 10-3b-104; or  
31 (ii) has been given to the mayor under Section 10-3b-104 but is removed from the  
32 mayor under Subsection (1)(b)(i)(A);  
33 (b) may:  
34 (i) subject to Subsections (1)(c) and (2), adopt an ordinance:  
35 (A) removing from the mayor any power, duty, or function of the mayor under Section  
36 10-3b-104; or  
37 (B) reinstating to the mayor any power, duty, or function previously removed under  
38 Subsection (1)(b)(i)(A);  
39 (ii) adopt an ordinance delegating to the mayor any executive or administrative power,  
40 duty, or function that the council has under Subsection (1)(a);  
41 (iii) subject to Subsection 10-3b-302(1)(b)(ii)(A):  
42 (A) appoint, subject to Subsections (3) and (4), a manager to perform executive and  
43 administrative duties or functions that the council by ordinance delegates to the manager,  
44 subject to Subsection (1)(c); and  
45 (B) dismiss a manager appointed under Subsection (1)(b)(iii)(A); and  
46 (iv) assign any or all council members, including the mayor, to supervise one or more  
47 administrative departments of the municipality; and  
48 (c) may not remove from the mayor or delegate to a manager appointed by the council:  
49 (i) any of the mayor's legislative or judicial powers or ceremonial functions;  
50 (ii) the mayor's position as chair of the council; or  
51 (iii) any ex officio position that the mayor holds.  
52 (2) Adopting an ordinance under Subsection (1)(b)(i) [~~removing from or reinstating to~~  
53 ~~the mayor a power, duty, or function provided for in Section 10-3b-104~~] requires the  
54 affirmative vote of[~~:(a) the mayor and~~] a majority of all [~~other~~] council members[~~;-or~~].  
55 [~~(b) all council members except the mayor.~~]  
56 (3) (a) As used in this Subsection (3), "interim vacancy period" means the period of  
57 time that:  
58 (i) begins on the day on which a municipal general election described in Section

59 10-3-201 is held to elect a council member; and

60 (ii) ends on the day on which the council member-elect begins the council member's  
61 term.

62 (b) (i) The council may not appoint a manager during an interim vacancy period.

63 (ii) Notwithstanding Subsection (3)(b)(i):

64 (A) the council may appoint an interim manager during an interim vacancy period; and

65 (B) the interim manager's term shall expire once a new manager is appointed by the  
66 new administration after the interim vacancy period has ended.

67 (c) Subsection (3)(b) does not apply if all the council members who held office on the  
68 day of the municipal general election whose term of office was vacant for the election are  
69 re-elected to the council for the following term.

70 (4) A council that appoints a manager in accordance with this section may not, on or  
71 after May 10, 2011, enter into an employment contract that contains an automatic renewal  
72 provision with the manager.

73 Section 2. Section 10-3b-403 is amended to read:

74 **10-3b-403. Council in a five-member council form of government.**

75 (1) The council in a municipality operating under a five-member council form of  
76 municipal government:

77 (a) exercises any executive or administrative power and performs or supervises the  
78 performance of any executive or administrative duty or function that:

79 (i) has not been given to the mayor under Section 10-3b-104; or

80 (ii) has been given to the mayor under Section 10-3b-104 but is removed from the  
81 mayor under Subsection (1)(b)(i)(A);

82 (b) may:

83 (i) subject to Subsections (1)(c) and (2), adopt an ordinance:

84 (A) removing from the mayor any power, duty, or function of the mayor under Section  
85 10-3b-104; and

86 (B) reinstating to the mayor any power, duty, or function previously removed under  
87 Subsection (1)(b)(i)(A);

88 (ii) adopt an ordinance delegating to the mayor any executive or administrative power,  
89 duty, or function that the council has under Subsection (1)(a);

90 (iii) subject to Subsections (3) and (4), appoint a manager to perform executive and  
91 administrative duties or functions that the council by ordinance delegates to the manager,  
92 subject to Subsection (1)(c);

93 (iv) dismiss a manager appointed under Subsection (1)(b)(iii); and

94 (v) assign any or all council members, including the mayor, to supervise one or more  
95 administrative departments of the municipality; and

96 (c) may not remove from the mayor or delegate to a manager appointed by the council:

97 (i) any of the mayor's legislative or judicial powers or ceremonial functions;

98 (ii) the mayor's position as chair of the council; or

99 (iii) any ex officio position that the mayor holds.

100 (2) Adopting an ordinance under Subsection (1)(b)(i) [~~removing from or reinstating to~~

101 ~~the mayor a power, duty, or function provided for in Section 10-3b-104~~] requires the

102 affirmative vote of [~~(a) the mayor and~~] a majority of all [~~other~~] council members[~~;~~ or].

103 [~~(b) all council members except the mayor.~~]

104 (3) (a) As used in this Subsection (3), "interim vacancy period" means the period of  
105 time that:

106 (i) begins on the day on which a municipal general election described in Section  
107 10-3-201 is held to elect a council member; and

108 (ii) ends on the day on which the council member-elect begins the council member's  
109 term.

110 (b) (i) The council may not appoint a manager during an interim vacancy period.

111 (ii) Notwithstanding Subsection (3)(b)(i):

112 (A) the council may appoint an interim manager during an interim vacancy period; and

113 (B) the interim manager's term shall expire once a new manager is appointed by the  
114 new administration after the interim vacancy period has ended.

115 (c) Subsection (3)(b) does not apply if all the council members who held office on the  
116 day of the municipal general election whose term of office was vacant for the election are  
117 re-elected to the council for the following term.

118 (4) A council that appoints a manager in accordance with this section may not, on or  
119 after May 10, 2011, enter into an employment contract that contains an automatic renewal  
120 provision with the manager.

---

---

**Legislative Review Note**  
as of 1-8-15 10:32 AM

**Office of Legislative Research and General Counsel**